

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

GARTH HIRE (CABN 187330)
Assistant United States Attorney

1301 Clay Street, Suite 340-S
Oakland, California 94612-5217
Telephone: (510) 637-3929
Facsimile: (510) 637-3724
E-Mail: Garth.Hire@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-00694 SBA
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING STATUS CONFERENCE
v.)	AND EXCLUDING TIME
)	
GABRIEL MAGANA VALDEZ,)	
)	
Defendant.)	

Plaintiff, by and through its attorney of record, and defendant, by and through HIS attorney of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 9 a.m. on Tuesday, April 21, 2009.

2. The parties request that this hearing be continued until 9 a.m. on Tuesday, June 2, 2009, in order to provide defendant's counsel with additional time to evaluate the evidence in this case and determine whether or not defendant should enter a change of plea or file motions and to prepare for trial in this matter.

STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

4. Thus, the parties respectfully request that the Court find that the time period from April 21, 2009, to June 2, 2009, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
GARTH HIRE
Assistant United States Attorney
Attorney for United States of America

/s/
NICHOLAS REYES

Attorney for Defendant
Gabriel Magana Valdez

ORDER

FOR GOOD CAUSE SHOWN, THE COURT ADOPTS THE FINDINGS OF FACT AND CONCLUSIONS OF LAW STIPULATED TO BY THE PARTIES. THEREFORE, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled April 21, 2009, status conference hearing is vacated. A status conference hearing is now scheduled for 9:00 a.m. on June 2, 2009.

2. The time period from April 21, 2009, to June 2, 2009, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence. The Court finds that nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which trial must commence.

DATED: 4/20/09


HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE